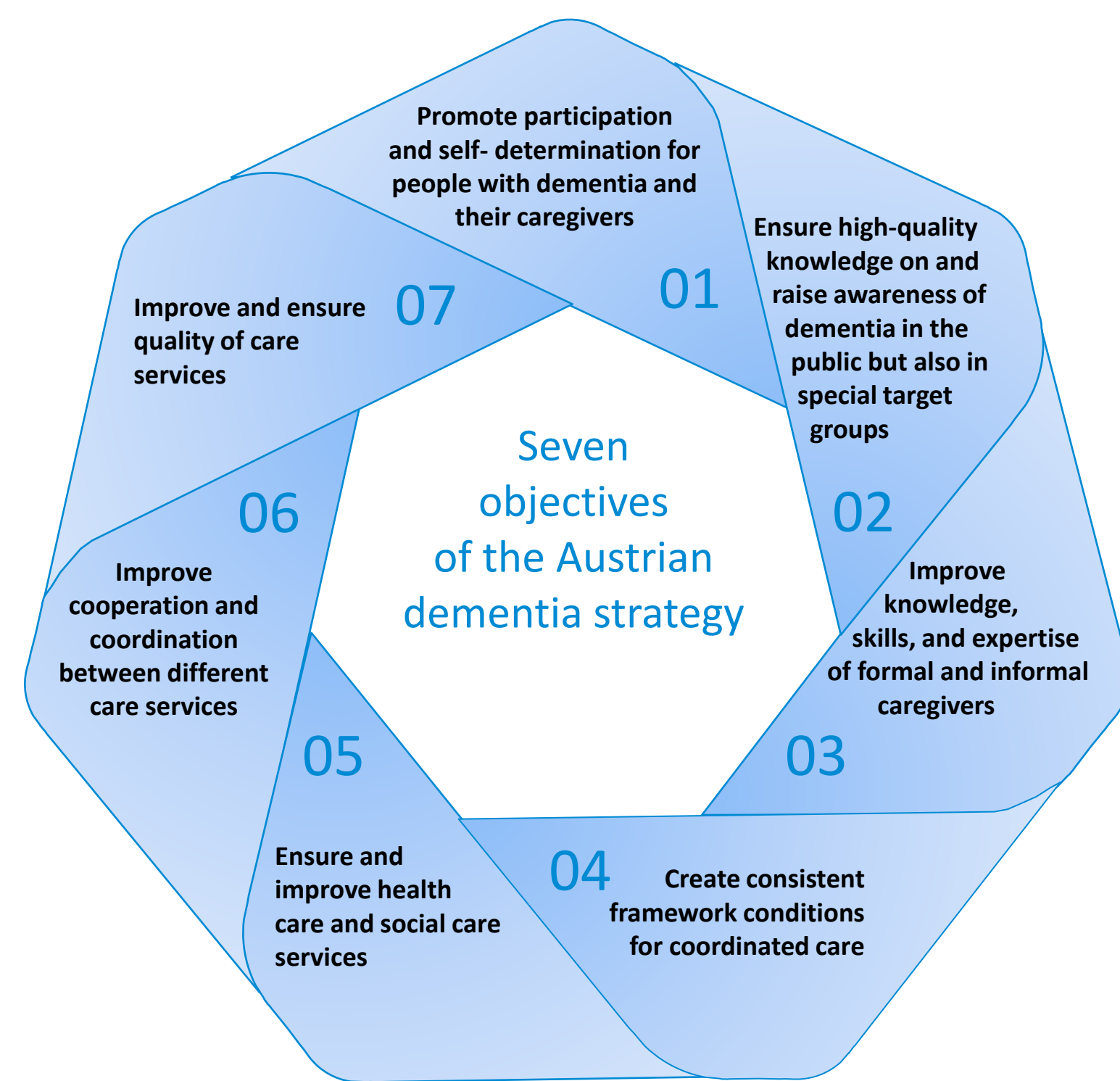


# People with dementia in the Austrian legal system. Legal problem areas examined from an ethical perspective.

Barbara Stulik, Lisa Katharina Mayer and Brigitte Juraszovich

Austrian National Public Health Institute (Gesundheit Österreich GmbH) Department Long-term care and health professions

## Austrian Dementia Strategy „Living Well with Dementia“



Developed in 2015, this framework addresses people with dementia, informal and formal caregivers, healthcare and social care professionals, service providers, the general public, and political decision-makers at both national and regional levels. It provides a set of objectives and recommendations for guiding action.

- General population of Austria: 9,104,772 people.
- Approximately 150,000 people are living with dementia in Austria.
- This number will double by 2050, and the demand for care and nursing will continue to rise.



## Legal problem areas

### Methods:

Systematic Review in "PubMed" and "CINAHL" with defined keywords and inclusion/exclusion criteria.

Aspects that appeared relevant were linked to Austrian law.

Theoretical framework: Martha Nussbaum's Capability Approach.

### Results:

#### Life

- » Patient care
- » Palliative care
- » Assisted Suicide

#### Emotion

- » Marriage
- » Care for children

#### Affliction

- » Labour
- » Rehabilitation and participation services

#### Practical Reason

- » Adult representative
- » Legal capacity

#### Control over one's Environment

- » Care allowance
- » Testamentary capacity

#### Bodily integrity

- » Disability
- » Mobility
- » Driving ability
- » Freedom-restricting measures
- » Surveillance technologies
- » Sexuality

#### Senses, Imagination and Thought

- » Participation in research projects
- » Right to vote

#### Bodily Health

- » Consent to medical Treatments
- » Nutrition
- » Nursing and care
- » Living

#### References:

Alzheimer Europe (2020): Dementia in Europe Yearbook 2019. Estimating the prevalence of dementia in Europe. Alzheimer Europe, Luxembourg

BMSGPK (2022a): Demenz. Bundesweite Maßnahmen zur Umsetzung der österreichischen Demenzstrategie „Gut leben mit Demenz“ [online]. Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz. <https://www.sozialministerium.at/Themen/Pflege/Demenz.html> [Zugriff am 09.01.2023]

Höfler, Sabine; Bengough, Theresa; Winkler, Petra; Griebler, Robert (2015): Österreichischer Demenzbericht 2014. Bundesministerium für Gesundheit und Sozialministerium, Wien

Stulik, Barbara; Juraszovich Brigitte; Juric, Manuela (2023): Menschen mit Demenz im österreichischen Rechtssystem. Rechtliche Problemfelder aus ethischer Perspektive. Gesundheit Österreich, Wien